

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

ERIC SOUVANNAKANE,  
Plaintiff

v.

SEARS, ROEBUCK & CO., WILLIAM  
SULLIVAN, RICHARD SPELLMAN,  
BARBARA TAGLIARINO, KEVIN SULLIVAN,  
ALICIA COVIELLO, GARY MANSFIELD  
Defendants

Civil Action No. 0412164MLW

**MOTION OF DEFENDANT ALICIA COVIELLO TO DISMISS PLAINTIFF'S  
COMPLAINT AND FOR JOINDER IN THE MEMORANDUM OF  
DEFENDANTS SEARS, ROEBUCK AND CO., WILLIAM SULLIVAN,  
RICHARD SPELLMAN, BARBARA TAGLIARINO AND KEVIN SULLIVAN  
IN SUPPORT OF THEIR MOTION TO DISMISS PLAINTIFF'S COMPLAINT**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the defendant Alicia Coviello hereby moves for an order dismissing all claims against her in this matter. The defendant also moves to adopt and incorporate by reference the Memorandum of Defendants Sears, Roebuck and Co., William Sullivan, Richard Spellman, Barbara Tagliarino and Kevin Sullivan (the "Sears Defendants") in Support of their Motion to Dismiss Plaintiff's Complaint. The grounds for dismissal are set forth fully in the Sears Defendants' Memorandum, filed with the Court on December 13, 2004.

In support of her request for joinder, the defendant states that she is represented by counsel for the Sears Defendants and that the arguments and relevant legal authorities set forth in the Sears Defendants' Memorandum in Support of their Motion to Dismiss apply equally to the claims asserted against her in the plaintiff's Complaint. Therefore, the defendant seeks to join in the Sears Defendants' Memorandum rather than burdening

the Court with repetitious filings. A true and accurate copy of the plaintiff's Complaint is attached hereto as Exhibit 1.

WHEREFORE, the defendant Alicia Coviello requests this Court to grant her motion and to dismiss the plaintiff's complaint against her in its entirety.

ALICIA COVIELLO

By her Attorneys,

/s/ Christine M. Netski  
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DATED: January 5, 2005

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